

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION OPIATE
LITIGATION

This document relates to:

The cases listed on Appendix A

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**SETTLING DISTRIBUTORS'
REQUEST FOR SEVERANCE
AND ENTRY OF FINAL
JUDGMENT**

Defendants McKesson Corporation, AmerisourceBergen Corporation, and Cardinal Health, Inc., together with their Released Entities¹ (collectively, “Settling Distributors”), submit this Request for Severance and Entry of Final Judgment in all pending cases in which the Settling Distributors have been dismissed with prejudice pursuant to the Distributor Settlement.

Pursuant to the terms of the July 21, 2021 Distributor Settlement, this Court to date has entered orders dismissing Settling Distributors from approximately 2,100 cases. A list of those cases is attached as Appendix A hereto. The vast majority of those cases remain pending as to other named defendants.

On April 26, 2022, the Court expressed its intent to address pending remand motions in the MDL in “in tranches, starting with the oldest filings.” Dkt. No. 4389. To that end, the Court set a schedule for supplemental briefing on remand in the first tranche of 20 cases, which

¹ The Released Entities are each and every entity of any of the Settling Distributors that is a “Released Entity” as set forth in Section I.HHH and Exhibit J of the Distributor Settlement Agreement, dated as of March 10, 2022. Exhibit 1, attached hereto, represents a good faith effort by the Settling Distributors to list all Released Entities that may be individually named in any of the complaints dismissed pursuant to the Distributor Settlement. Exhibit 1 is not intended to limit the scope of the Releases or Released Entities.

concluded on May 24, 2022. *Id.* On May 12, 2022, the Court remanded three cases in which Defendants had elected not to oppose remand. On June 8, 2022, the Court denied the motions to remand in the remaining 17 cases in the first tranche, and ordered that the parties file a joint notice based on the Court's ruling within 45 days, identifying all cases with pending remand motions that have not yet been resolved by the Court's rulings. Dkt. No. 4502.

In light of the Distributor Settlement and the orders of dismissal in this Court, it is neither necessary nor appropriate for claims against the Settling Distributors in any settled cases to be remanded to state court, irrespective of the Court's decision on pending remand motions. Accordingly, Settling Distributors hereby request that (1) pursuant to Federal Rule of Civil Procedure 21, the Court sever them from any pending action in which they have been dismissed pursuant to the Distributor Settlement, and (2) pursuant to Federal Rule of Civil Procedure 54(b), enter partial final judgment in favor of the Settling Distributors. A proposed order is attached hereto as Appendix B.

July 11, 2022

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